

MEMO

To: Planning & Zoning Commission
From: Dana Burkhardt, Planning Consultant
Date: July 28, 2014
RE: Zoning Code Final Review Draft

RECOMMENDATION:

Staff recommends the Planning & Zoning Commission refer the Zoning Code Draft back to the Zoning Code Rewrite Task Force to develop a joint recommendation with Staff, on the items listed in this staff report, to the Planning & Zoning Commission and City Council.

SUMMARY:

The purpose of this agenda item is to discuss the draft Zoning Code. At the July 14 Planning & Zoning Commission meeting, the Commission requested additional clarification of the Zoning Code Rewrite Task Force recommendations and motioned to request the Chairman of the Task Force attend this meeting to provide additional insight to the Task Force's recommendation. Members of the Task Force expressed concerns regarding the city staff recommendations in addition to the recommendations of the Task Force.

Staff has highlighted the current Task Force recommendations as provided in the June 23 and July 14 Planning & Zoning Commission staff memos, see Attachment A. Additionally, staff has provided copies of the approved Zoning Code Rewrite Task Force meeting minutes from May 7 and June 11, as well as a CD of the audio of the meetings, see Attachment B. To further clarify the current Task Force recommendation, staff has prepared the following summary:

The Zoning Code Rewrite Task Force recommends the Planning & Zoning Commission and City Council adopt the draft Zoning Code with the following amendments:

- 1) Revise Article 302 to apply the TC Overlay to the first 150 feet of properties fronting John Wayne Parkway (SR 347), Smith Enke Road west of John Wayne Pkwy (SR 238), and Maricopa-Casa Grande Hwy unless requested by



- property owner to increase beyond 150 feet.; and Amend Section 302.04.A “Prohibited Uses”, by removing item 7, Off-Track Betting Establishments from the list of prohibited uses, and amend 302.04.A.2 - General Industrial Uses are permitted, however, only indoor business activities and uses, parking, landscaping, and other improvements and uses determined to meet the intent of this code by the Planning & Zoning Commission may occur within the Transportation Corridor Overlay.
- 2) Remove Article 301, Master Land Use Plan Required Overlay District, in its entirety, along with all references with in the Code.
 - 3) Remove Article 402, Adequate Public Facilities, in its entirety, along with all references with in the Code.
 - 4) Article 502.11 B. “Extensions” , delete the word “approval” in first sentence, and modify Article 502.13 “Revocation of Permits and Approvals” opening paragraph by inserting before the last sentence, the following:
“Zoning revocation shall only be processed in the same manner prescribed by ARS 9-462.01E”
 - 5) Amend Tables 501.11, 502.06 and 502.14 to consistently describe the criteria distinguishing a Major and Minor Development Review Permit by footnote within each respective table.
 - 6) Article 511.03 B. “Zoning of Annexed Properties”, delete and replace existing text with reference to ARS provision for zoning annexed land (ARS 9-471 (L) and 9-462.04 E.)
9-462.04 E. A municipality may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but in no event for longer than six months after the annexation.
 - 7) Further exploration and clarification by staff of the Rules of Transitions for existing Preliminary Plats, Article 101.06 and provide recommendations to allow City Council to determine the time frames for extending existing approvals, as to not jeopardize an existing preliminary plat.
 - 8) In addition to the review and further clarification of 101.06 Rules of Transitions for existing preliminary plats, provide further clarification and review to the language to grandfather existing Planned Area Development (PAD) Overlays.

On July 11, staff provided the following recommendations (shown in tracked revisions to the above listed Task Force amendments) to the Planning & Zoning Commission, which are the items sought for consensus in a joint Task Force/Staff recommendation:

- 1) Revise Article 302 to apply the TC Overlay to the first 150 feet of properties fronting John Wayne Parkway (SR 347), Smith Enke Road west of John Wayne Pkwy (SR 238), and Maricopa-Casa Grande Hwy unless requested by property owner to increase beyond 150 feet.; and Amend Section 302.04.A “Prohibited Uses”, by removing item 7, Off-Track Betting Establishments from the list of prohibited uses, and amend 302.04.A.2 - General Industrial Uses are permitted, however, only indoor business activities and uses, parking, landscaping, and other improvements and uses determined to meet the intent of this code by the Planning & Zoning Commission may occur within the Transportation Corridor Overlay.
- 2) Maintain Article 301, Master Land Use Plan Required Overlay District, in its entirety, along with all references with in the Code and revise District language by deleting Article 301.01 Specific Purposes items B & C, and add the following in place: “Ensure that existing and future City plans and policies are implemented through the orderly and comprehensive planning of tracts of land, and to discourage unplanned, piecemeal development, which may disregard the General Plan and city planning efforts for the area”
- 3) Maintain Article 402, Adequate Public Facilities, in its entirety, along with all references with in the Code.
- 4) Article 502.11 B. “Extensions” , delete the word “approval” in first sentence, and modify Article 502.13 “Revocation of Permits and Approvals” opening paragraph by inserting before the last sentence, the following:

“Zoning revocation shall only be processed in the same manner prescribed by ARS 9-462.01E”
- 5) Amend Tables 501.11, 502.06 and 502.14 to consistently describe the criteria distinguishing a Major and Minor Development Review Permit by footnote within each respective table.
- 6) Article 511.03 B. “Zoning of Annexed Properties”, delete and replace existing text with reference to ARS provision for zoning annexed land (ARS 9-471 (L) and 9-462.04 E.)

9-462.04 E. A municipality may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but in no event for longer than six months after the annexation.
- 7) Further exploration and clarification by staff of the Rules of Transitions for existing Preliminary Plats, Article 101.06 and provide recommendations to allow City Council to determine the time frames for extending existing approvals, as to not jeopardize an existing preliminary plat.
- 8) In addition to the review and further clarification of 101.06 Rules of Transitions for existing preliminary plats, provide further clarification and

- review to the language to grandfather existing Planned Area Development (PAD) Overlays.
- 9) Per 7 & 8 above, Revise Article 101.06 Rules of Transition, to include the language proposed in Attachment C, or direct staff to simplify the language to be more consistent with peer communities.
 - 10) Modify Article 510 PAD Procedures language; refer to Attachment D for changes.
 - 11) Accept all proposed revisions to the Single Family Residential Design Guidelines as proposed in the July 11 Staff Report.

Attachments:

- A - June 23 & July 14 Staff memos with Task Force highlights
- B – ZCRTF Meeting Minutes & Meeting Audio
- C –Article 101.06 Rules of Transition revised language
- D – Article 510 PAD Procedures, revised
- E – Letters of Concern dated July 11, 2014
- F – Residential Design Guidelines